



IFW
AF
[Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application No. 10/699,726)
)
 Filed: November 3, 2003)
)
 Applicants: Thomas SCHWEGLE et al.)
)
 Title: AQUEOUS COMPOSITION)
 USEFUL FOR STABILIZING AND)
 TEXTURIZING DAIRY PRODUCTS)
 AND PROCESS FOR PREPARING)
 THE SAME)
)
 Art Unit: 1761)
)
 Examiner: Leslie A. WONG)
)
 _____)
)
 Attorney Docket No.: 1410/79559)
)
)
 Customer No.: 48940)

Confirmation No. 3543

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

6/23/2005

Date

Richard A. Kaba
Registration No. 30,562
Attorney for Applicant(s)

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby submit(s) to the Board of Patent Appeals and Interferences the following:


- A Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is enclosed which includes the fee under 37 CFR § 41.20(b)(1) for filing the Notice of Appeal.
- An Appeal Brief (in triplicate) is enclosed.
- Also enclosed:
- The fee for filing the Appeal Brief is \$ 500.00 (37 CFR § 41.20(b)(2)).
- Applicant(s) assert entitlement to Small Entity Status (37 CFR § 1.27), reducing the Appeal Fee by half to \$ 250.00.
- Charge \$ 500.00 to Deposit Account No. 06-1135.
- A check in the amount of the fee is enclosed.

Application No. 10/699,726
Appeal Brief Transmittal dated June 23, 2005
Reply to Final Office Action of December 13, 2004
and Advisory Action of March 25, 2005

- Not required (fee paid in prior appeal in this application).
- A petition for extension of time under 37 CFR § 1.17(a) is enclosed.
- The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefor, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefor), or credit any overpayment to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This Notice is filed in duplicate.

June 23, 2005

Date



Richard A. Kaba
Registration No. 30,562

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: (312) 577-7000
Facsimile: (312) 577-7007